

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

MICHAEL WAYNE FORD, Register No. 34810,      )  
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    )  
Plaintiff,    )  
    )  
    )  
v.    )      No. 07-4184-CV-C-NKL  
    )  
    )  
MATT BLUNT, et al.,                                   )  
    )  
    )  
    )  
Defendants.    )

**REPORT AND RECOMMENDATION**

On April 17, 2008, defendants filed two motions to dismiss.<sup>1</sup> In response, plaintiff requested leave to file a second amended complaint to cure any defects in the first amended complaint and to clarify the issues for trial. Plaintiff's motion was granted and a second amended complaint was filed on May 14, 2008. The amended complaints do not name Matt Blunt as a defendant, and the defendants have not renewed their pending motions. Accordingly, it is

RECOMMENDED that the motion to dismiss all claims against defendant Matt Blunt be denied as moot, and the Clerk of Court be directed to modify the docket sheet to show that Matt Blunt is no longer a party in this case. [28] It is further

RECOMMENDED that the motion to dismiss of April 17, 2008, for failure to state a claim be denied as moot in light of the second amended complaint. [27]

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

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<sup>1</sup>This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional circumstances. Failure to make specific written exceptions to this report and recommendation will result in a waiver of the right to appeal. See L.R. 74.1(a)(2).

Dated this 23<sup>rd</sup> day of June, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX  
United States Magistrate Judge